

# **EXHIBIT L**

**Excerpts of 30(b)(6) Deposition of Representative Scotlon Hughes**

**Pages: 69-80**

**In The Matter Of:**  
*CAROLYN ENZOR vs.*  
*THE KROGER CO.*

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*SCOTLON HUGHES*  
*March 9, 2023*  
*THE KROGER CO.*

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CAROLYN ENZOR vs.  
THE KROGER CO.

THE KROGER CO.

SCOTLON HUGHES  
March 9, 2023

Page 69

[1] is actually the one that you're saying is included as  
[2] 11/19?  
[3] **A.** Is there anything on the page that says  
[4] that?  
[5] **Q.** Is there anything on the page, is there  
[6] anything in the document, is there anything other than  
[7] your own testimony that indicates that?  
[8] **A.** I'm not sure.  
[9] **Q.** Okay. In your mind as the -- sorry. I  
[10] don't recall exactly your title -- assistant director  
[11] of loss prevention and safety management, do you think  
[12] that an assault should be input into Kroger's internal  
[13] data as just an "other" event?  
[14] **A.** One, I'm not in the habit of armchair  
[15] quarterbacking what a manager put in at the time based  
[16] on their understanding. There's additional information  
[17] that this is a minor with autism so it wasn't, I think,  
[18] on the face of it what you would look at as an assault.  
[19] I believe the police handled it differently, you know,  
[20] as a kid that had an episode that was emotionally  
[21] disturbed. So "other" is not necessarily an improper  
[22] designation.  
[23] **Q.** So when it says on [Exhibit No. 9](#) "Incident  
[24] Date," that really doesn't mean anything, then?  
[25] **A.** I believe this is the -- when the incident

Page 70

[1] was put into LPMS.  
[2] **Q.** Okay. It doesn't say that. That's just  
[3] what you suspect is true?  
[4] **A.** Well, reviewing it in LPMS, that's the  
[5] information that was in there because the narrative  
[6] details did state the eleven I think it was eight or  
[7] seven when the actual incident occurred.  
[8] **Q.** Does it normally take 11 days to input  
[9] data into LPMS?  
[10] **A.** I don't know that I can give what the  
[11] average is.  
[12] (Plaintiffs' [Exhibit 10](#) was marked.)  
[13] **Q.** (By Mr. Manly) Mr. Hughes, I'm going to  
[14] show you what we've marked as [Exhibit No. 10](#),  
[15] represent to you that's the incident report -- the  
[16] Chatham County Incident Report for the April 27th,  
[17] 2021, rape involving Ka'La Enzor.  
[18] Would you look at [Exhibit No. 9](#) and see if  
[19] that incident is listed in the document?  
[20] **A.** My understanding is that it's not.  
[21] **Q.** Okay. And do you know why?  
[22] **A.** My understanding is the information was put  
[23] into Sedgwick and so store management believed that it  
[24] had been reported since we had it in one of our systems  
[25] so they didn't put it into LPMS as well.

Page 71

[1] **Q.** Isn't it conceivable that the November  
[2] the 8th incident of an assault was not put in because  
[3] store management thought that it was reported to  
[4] someone else?  
[5] **MS. O'HEARN:** Object to the form.  
[6] **THE WITNESS:** No, because, again, I  
[7] reviewed the information and I know that not to  
[8] be accurate.  
[9] **Q.** (By Mr. Manly) All right.  
[10] (Plaintiffs' [Exhibit 11](#) was marked.)  
[11] **Q.** (By Mr. Manly) Mr. Hughes, I'm going show  
[12] you what's been marked as [Exhibit No. 11](#) and I'll  
[13] represent to you that that is an incident report  
[14] produced by what was then the Savannah/Chatham Metro  
[15] Police Department -- that's for a whole other story --  
[16] and at the top it says "Armed Robbery Attempt" -- I can  
[17] only presume it means attempted armed robbery -- and  
[18] the address for this incident is the Kroger at 5720  
[19] Ogeechee Road.  
[20] Are you familiar with this incident by any  
[21] chance?  
[22] **A.** Off the cuff, no. Hold on. Can I read  
[23] through it --  
[24] **Q.** Yeah.  
[25] **A.** -- and let me see if it sparks a

Page 72

[1] recognition?  
[2] **Q.** And I'll tell you my next question is, is  
[3] why is this incident not listed on [Exhibit No. 6](#).  
[4] **A.** Okay. I am aware of this incident, yes.  
[5] **Q.** Okay.  
[6] **A.** And what was your follow-up? I apologize.  
[7] **Q.** Why is it not listed on [Exhibit No. 6](#)  
[8] which is the spreadsheet of 2020's risk assessment by  
[9] Kroger -- sorry -- the Kroger CAP Index?  
[10] **MS. O'HEARN:** It's this one (indicating).  
[11] **THE WITNESS:** Right.  
[12] **Q.** (By Mr. Manly) That's 9 you've got in  
[13] front of you. I'm talking about 6.  
[14] **A.** Yeah, I'm aware. I was looking at 9 to see  
[15] what they coded it as because obviously they coded it  
[16] as something other than what was in the risk index.  
[17] My understanding is no money was actually  
[18] taken in this incident. I believe we have it in the  
[19] LPMS. I want to say it was coded as harassment, but  
[20] that's where I was willing to verify, is that.  
[21] **Q.** I'll represent to you that it's not  
[22] included in [Exhibit No. 9](#).  
[23] **A.** I would have to do more looking. I  
[24] reviewed it. I know this incident is in LPMS. I think  
[25] it was coded as harassment because it was determined



CAROLYN ENZOR vs.  
THE KROGER CO.

THE KROGER CO.

SCOTLON HUGHES  
March 9, 2023

Page 73	Page 75
<p>[1] that the females didn't actually feel threatened. This</p> <p>[2] guy was making comments. They walked to and from the</p> <p>[3] restroom and walked away. He had put a variety of</p> <p>[4] things on the counter and they kind of just felt like</p> <p>[5] he was being bothersome more than actually holding them</p> <p>[6] up at gunpoint. I believe it was put in as harassment,</p> <p>[7] which that's not one of the codings on the assessment.</p> <p>[8] If you would like for me to verify that and have</p> <p>[9] counsel --</p> <p>[10] Q. What I'm getting at, Mr. Hughes, is the</p> <p>[11] data that we've been provided by Kroger does not list</p> <p>[12] that incident; is that correct?</p> <p>[13] MS. O'HEARN: Object to the form.</p> <p>[14] THE WITNESS: Without doing more research</p> <p>[15] I can't answer that.</p> <p>[16] Q. (By Mr. Manly) Okay. And, again, that</p> <p>[17] incident is not listed in <a href="#">Exhibit No. 6</a> either?</p> <p>[18] A. Correct, because it was coded I believe as</p> <p>[19] something different than the categories that No. 6</p> <p>[20] utilizes.</p> <p>[21] Q. Okay. Who makes that determination of</p> <p>[22] what to categorize an event as?</p> <p>[23] A. Sorry. Say that one more time.</p> <p>[24] Q. Who makes the determination of how to</p> <p>[25] categorize an event?</p>	<p>[1] subjective findings and going into this, is this what</p> <p>[2] you're talking about?</p> <p>[3] A. No.</p> <p>[4] Q. Okay. So is this an additional subjective</p> <p>[5] component that goes into coming up with the Kroger</p> <p>[6] risk matrix?</p> <p>[7] A. I would say it's subjective as to how</p> <p>[8] management may put it in the LPMS. I don't think the</p> <p>[9] risk matrix per se is subjective but, I mean, it can</p> <p>[10] only use the information as it's given.</p> <p>[11] (Plaintiffs' <a href="#">Exhibit 12</a> was marked.)</p> <p>[12] Q. (By Mr. Manly) Mr. Hughes, I'm going to</p> <p>[13] show you what is marked as <a href="#">Exhibit 12</a>.</p> <p>[14] MR. MANLY: I don't have another copy.</p> <p>[15] It's just been shuffled to another page there.</p> <p>[16] MS. O'HEARN: We can share.</p> <p>[17] Q. (By Mr. Manly) I'm out of paper clips so</p> <p>[18] we'll staple that.</p> <p>[19] Mr. Hughes, let me show you what's marked</p> <p>[20] as <a href="#">Exhibit No. 12</a> to your deposition. If you could</p> <p>[21] find that report on or that incident, rather, on</p> <p>[22] <a href="#">Exhibit No. 9</a>.</p> <p>[23] A. I feel like I reviewed this. I'm not sure</p> <p>[24] off the cuff.</p> <p>[25] Q. You would agree it's not listed on No. 9?</p>
Page 74	Page 76
<p>[1] A. It would be the person putting the case</p> <p>[2] into LPMS.</p> <p>[3] Q. And is that generally the store manager or</p> <p>[4] management at the store?</p> <p>[5] A. Either management or asset protection;</p> <p>[6] usually one of the two.</p> <p>[7] Q. Okay. And, again, I think we answered</p> <p>[8] this early on, there's no oversight on that as in</p> <p>[9] someone who might have received a copy of this</p> <p>[10] incident report going back in and ensuring that it was</p> <p>[11] coded correctly?</p> <p>[12] A. I don't agree with the "coded correctly"</p> <p>[13] terminology.</p> <p>[14] Q. Okay. Or coded differently; how about</p> <p>[15] that?</p> <p>[16] A. There again, LPMS is a third-party software</p> <p>[17] that many companies use. As such, you'll find</p> <p>[18] softwares like that use oftentimes a wide assortment of</p> <p>[19] terminology and there's discretion subjectivity as to</p> <p>[20] what one person may think an incident is versus another</p> <p>[21] person within all the given options.</p> <p>[22] Q. Okay.</p> <p>[23] A. So I don't know that you can say there's a</p> <p>[24] correct or incorrect.</p> <p>[25] Q. Okay. So when we talked about the</p>	<p>[1] A. I don't agree or disagree. I'm trying to</p> <p>[2] go off of memory and, I apologize, I feel like I</p> <p>[3] reviewed this particular incident and that it may be in</p> <p>[4] No. 9. I just can't tell you without doing more</p> <p>[5] research.</p> <p>[6] Q. You would agree that if you go by date</p> <p>[7] order it's not listed on the -- in the chronological</p> <p>[8] order as you would expect it to be on the</p> <p>[9] second-to-last page of <a href="#">Exhibit No. 9</a>?</p> <p>[10] A. I do not see it in chronological order.</p> <p>[11] Yes, I agree with that.</p> <p>[12] Q. Okay.</p> <p>[13] (Plaintiffs' <a href="#">Exhibit 13</a> was marked.)</p> <p>[14] Q. (By Mr. Manly) Mr. Hughes, I'm going to</p> <p>[15] show you <a href="#">Exhibit No. 13</a>.</p> <p>[16] MR. MANLY: Again, Beverly, I've got a</p> <p>[17] copy. I'll make sure you get it.</p> <p>[18] Q. (By Mr. Manly) Can you find Exhibit</p> <p>[19] No. 13 in the list that's been provided in Exhibit</p> <p>[20] No. 9? Well, first of all, what is -- I highlighted a</p> <p>[21] portion of that one.</p> <p>[22] What is the crime as reported by the</p> <p>[23] police department on No. 13?</p> <p>[24] A. The police have designated it as sexual</p> <p>[25] battery, misdemeanor.</p>



CAROLYN ENZOR vs.  
THE KROGER CO.

THE KROGER CO.

SCOTLON HUGHES  
March 9, 2023

Page 77	Page 79
<p>[1] Q. Okay. And do you see that crime listed on</p> <p>[2] the list of crimes in <a href="#">Exhibit No. 9</a>?</p> <p>[3] A. This one -- I believe this one may be the</p> <p>[4] one listed on 7/14/18 as "Other." I would need to pull</p> <p>[5] the further details, but I believe it may be that one.</p> <p>[6] Q. Again, that date that you're -- the</p> <p>[7] incident date as defined on Exhibit No. 19 does not</p> <p>[8] correspond with the incident date that's on the</p> <p>[9] incident report, does it?</p> <p>[10] A. Again, my understanding is the dates that</p> <p>[11] are on this particular spreadsheet are the dates that</p> <p>[12] the incident was put into the system, not necessarily</p> <p>[13] the date of the incident occurring. So, yes, 14 and 8</p> <p>[14] are different dates, but I do believe this is the same</p> <p>[15] incident.</p> <p>[16] Q. And, again, other -- there is a -- is</p> <p>[17] there a code for sexual battery?</p> <p>[18] A. I would have to verify.</p> <p>[19] Q. Okay. Is there a code for assault?</p> <p>[20] A. There is for assault, I believe.</p> <p>[21] Q. Okay. Is there a code for rape?</p> <p>[22] A. I believe so.</p> <p>[23] Q. Okay.</p> <p>[24] (Plaintiffs' <a href="#">Exhibit 14</a> was marked.)</p> <p>[25] Q. (By Mr. Manly) All right. Let me show</p>	<p>[1] everything that happens at the other businesses. We</p> <p>[2] would have no way to.</p> <p>[3] Q. You just indicated that you had reviewed</p> <p>[4] this incident. When did you review it?</p> <p>[5] A. With my attorney in preparation for the</p> <p>[6] deposition.</p> <p>[7] Q. Were you aware of this incident prior to</p> <p>[8] preparing for the deposition?</p> <p>[9] A. No.</p> <p>[10] Q. Do you think that knowing about a</p> <p>[11] kidnapping that takes place in the same shopping</p> <p>[12] center is important for Kroger to know?</p> <p>[13] MS. O'HEARN: Object to the form.</p> <p>[14] Q. (By Mr. Manly) You can answer if you</p> <p>[15] know.</p> <p>[16] A. I think important is an ambiguous term. We</p> <p>[17] either know about it or we don't know about it.</p> <p>[18] Q. Do you think you should know about it?</p> <p>[19] MS. O'HEARN: Object to the form.</p> <p>[20] THE WITNESS: I don't -- there again,</p> <p>[21] "should" implies a duty. I don't know how we</p> <p>[22] could know about something that we don't know</p> <p>[23] about. That doesn't feel logical.</p> <p>[24] Q. (By Mr. Manly) Do you have access to Open</p> <p>[25] Records Requests?</p>
Page 78	Page 80
<p>[1] you one more. I think this one's 14?</p> <p>[2] A. Yes, you would be up to 14.</p> <p>[3] Q. This is, Mr. Hughes, <a href="#">Exhibit No. 14</a> to</p> <p>[4] your deposition. This is a Chatham County Police</p> <p>[5] Department Incident Report from May the 8th of 2020</p> <p>[6] which is a kidnapping.</p> <p>[7] Do you see that one on <a href="#">Exhibit No. 9</a>?</p> <p>[8] A. This one I don't believe we have on there.</p> <p>[9] My understanding of this one when I reviewed it was</p> <p>[10] that it happened at the Goodwill, not at the Kroger.</p> <p>[11] Q. Okay. On the "Incident Location" it says</p> <p>[12] Kroger parking lot or Kroger Shopping Center,</p> <p>[13] something like that. I don't have it in front of me</p> <p>[14] so I'm going by --</p> <p>[15] A. Right. So it appears that the police</p> <p>[16] officer generically called it the Kroger Shopping</p> <p>[17] Center which it's not. We have one building in a mass</p> <p>[18] of buildings. In the actual report itself it talks</p> <p>[19] about being in the back of Goodwill and this person</p> <p>[20] donating clothes in the back of Goodwill and observing</p> <p>[21] the situation, so it doesn't look like it was anything</p> <p>[22] that our store was involved in. I don't --</p> <p>[23] Q. Despite the address being the same?</p> <p>[24] A. Again, the address goes to a shopping</p> <p>[25] center that has a variety of businesses. We don't know</p>	<p>[1] A. Do we have access to it?</p> <p>[2] Q. Uh-huh.</p> <p>[3] A. In theory, I guess we could.</p> <p>[4] Q. Okay. So you could find out?</p> <p>[5] A. Could we find out? Potentially, but you</p> <p>[6] said "should" earlier and --</p> <p>[7] Q. I understand what I asked. I'm asking you</p> <p>[8] could you find out?</p> <p>[9] A. Potentially we could.</p> <p>[10] Q. Okay. And you chose not to?</p> <p>[11] MS. O'HEARN: Object to the form.</p> <p>[12] THE WITNESS: But, there again, I think</p> <p>[13] "chose" is a misrepresentation.</p> <p>[14] Q. (By Mr. Manly) Do you regularly send an</p> <p>[15] Open Records Request to find out incidents that took</p> <p>[16] place in the area?</p> <p>[17] A. No.</p> <p>[18] Q. Do you solely rely on third parties in</p> <p>[19] making the determination of whether or not your store</p> <p>[20] is safe?</p> <p>[21] A. No.</p> <p>[22] Q. All right. That is Topic No. 1. We'll go</p> <p>[23] to Topic No. 2, the written security plan for the</p> <p>[24] site.</p> <p>[25] Is there a written security plan for the</p>